

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-19 are currently pending in this application, Claims 1, 10 and 19 having been amended.

In the outstanding Office Action, Claims 1, 5, 10, 14, and 19 were rejected under 35 U.S.C. §103(a) as unpatentable over Nakaishi et al. (U.S. Patent No. 6,757,251, hereinafter Nakaishi) in view of Hoebeke (U.S. Patent No. 6,463,075); Claims 2, 3, 11, and 12 were rejected under 5 U.S.C. §103(a) as unpatentable over Nakaishi in view of Hoebeke, and further in view of Foltzer (U.S. Patent No. 6,567,579); and Claims 4, 6-9, 13, and 15-18 were objected to for depending from a rejected base claim, but were otherwise indicated as allowable.

Applicants acknowledge with appreciation the indication of allowable subject matter.

Applicants thank the Examiner for the courtesy of an interview extended to Applicants' representatives on August 25, 2005. During the interview, a proposed amendment to Claim 1 was discussed and the Examiner acknowledged that the proposed amendment to Claim 1 appeared to overcome the current grounds of rejection. The present amendment to Claim 1 differs only in semantics from what was discussed during the interview.

Claim 1 is amended to recite "wherein each of the plurality of ONUs are connected to the OLT via both first and second optical networks." Claims 10 and 19 are similarly amended. Support for the amendments to Claims 1, 10, and 19 is found, for example, in Fig. 4. Thus, no new matter is added. In addition, the term "connected" is used to encompass both directly connected and indirectly connected.

Turning now to the rejection of Claim 1 as unpatentable over the combination of Nakaishi in view of Hoebeke, Applicants respectfully submit that the amendments to Claim 1 overcome the rejection.

Amended Claim 1 recites:

An optical distribution network system comprising:

an OLT (optical line termination) device;

a plurality of ONUs (optical network units),

wherein each of the plurality of ONUs are connected to the OLT via both first and second optical networks; and

a bandwidth controller configured to apportion said plurality of ONUs between said first optical network and said second optical network, to assign a predetermined transmission bandwidth to each of said plurality of ONUs, and to accept a bandwidth change of the predetermined transmission bandwidth.

Nakaishi and Hoebeke do not teach or suggest every element of amended Claim 1.

Neither Nakaishi nor Hoebeke teach or suggest “wherein each of the plurality of ONUs are connected to the OLT via both first and second optical networks.”

Fig. 1 of Nakaishi shows a plurality of ONTs (optical network terminations) connected to an OLT (optical line termination) via only one optical network.

Fig. 1 of Hoebeke shows a plurality of network terminals (T1-T4) connected to a central station (CS) via only one optical network.

Furthermore, Applicants acknowledge that the Office Action correctly states that Nakaishi does not disclose the claimed “bandwidth controller configured to apportion said plurality of ONUs between said first optical network and said second optical network.”<sup>1</sup>

Hoebeke does not cure the deficiency in Nakaishi. As discussed above, Hoebeke does not teach or suggest that each of the plurality of ONUs are connected to the OLT via both

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<sup>1</sup> Office Action, page 2.

first and second optical networks. Thus, Hoebeke does not teach or suggest “a bandwidth controller configured to apportion said plurality of ONUs between said first optical network and said second optical network.”

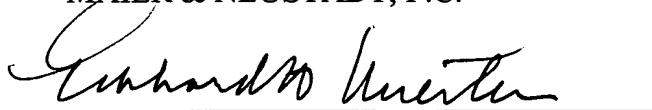
In view of the above-noted distinctions, Applicants respectfully submit that amended Claim 1 (and Claims 2-9) patentably distinguish over Hoebeke and Nakaishi, alone or in combination. In addition, amended Claims 10 and 19 recite elements similar to those in amended Claim 1. Thus, Applicants respectfully submit that Claims 10 and 19 (and Claims 11-18) patentably distinguish over Hoebeke and Nakaishi, alone or in combination.

With respect to Foltzer, Applicants note that Foltzer has a filing date of December 15, 2000, which is later than the foreign priority date of September 1, 2000. A certified English translation of the original Japanese application 2000-265928, filed September 1, 2000, was filed in the U.S. Patent and Trademark Office on April 14, 2005. Therefore, priority has been perfected and Foltzer is not prior art.

Consequently, in view of the above amendments and comments, it is respectfully submitted that the outstanding rejection is traversed and that the pending claims are in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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